

COURTESY COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
SARAH PALIN,	:	No. 17 Civ. 4853
	:	
Plaintiff,	:	
	:	
	:	Hon. Jed S. Rakoff
	:	
-against-	:	
	:	
	:	ECF Case
	:	
THE NEW YORK TIMES COMPANY and JAMES	:	
BENNET,	:	
	:	
Defendants.	:	
	:	
-----	X	

DECLARATION OF THOMAS B. SULLIVAN
IN SUPPORT OF DEFENDANTS' MOTIONS *IN LIMINE*

Thomas B. Sullivan, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner in the law firm of Ballard Spahr LLP, counsel for Defendants The New York Times Company ("The Times") and James Bennet (together, "Defendants") in the above-captioned action. I submit this declaration in support of (1) Defendants' Motion *In Limine* to Exclude Evidence of James Bennet's Departure from The Times, Unrelated Controversies During His Tenure as Opinion Editor, and the Elimination of the Public Editor Position and (2) Defendants' Motion *In Limine* to Exclude Evidence Regarding Articles and Posts Published by Atlantic Media, an Article James Bennet Was Sent, and Senator Michael Bennet. I have personal knowledge of the facts herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of an essay written by Senator Tom Cotton which was published by The Times on June 3, 2020, under the title "Send in

the Troops.” The essay was produced in discovery by Plaintiff in this action bearing the beginning Bates number PALIN0006240.

3. Attached hereto as **Exhibit B** is a true and correct copy of the document designated as Exhibit 23 on the list of Exhibits Plaintiff Expects to Offer (“Plaintiff’s Exhibit List”).

4. Attached hereto as **Exhibit C** is a true and correct copy of the document designated as Exhibit 318 on the list of Exhibits Plaintiff May Offer If Need Arises (“Plaintiff’s Potential Exhibit List”).

5. Attached hereto as **Exhibit D** is a true and correct copy of an article titled “James Bennet Resigns as New York Times Opinion Editor” which was published by The Times on June 7, 2020. The article was produced in discovery by Plaintiff in this action bearing the beginning Bates number PALIN0006247.

6. Attached hereto as **Exhibit E** is a true and correct copy of the document designated as Exhibit 316 on Plaintiff’s Potential Exhibit List.

7. Attached hereto as **Exhibit F** is a true and correct copy of the document designated as Exhibit 317 on Plaintiff’s Potential Exhibit List.

8. Attached hereto as **Exhibit G** is a true and correct copy of the document designated as Exhibit 65 on Plaintiff’s Exhibit List.

9. Attached hereto as **Exhibit H** is a true and correct copy of the document designated as Exhibit 66 on Plaintiff’s Exhibit List.

10. Attached hereto as **Exhibit I** is a true and correct copy of the document designated as Exhibit 67 on Plaintiff’s Exhibit List.

11. Attached hereto as **Exhibit J** is a true and correct copy of the document designated as Exhibit 68 on Plaintiff’s Exhibit List.

12. Attached hereto as **Exhibit K** is a true and correct copy of the document designated as Exhibit 69 on Plaintiff's Exhibit List.

13. Attached hereto as **Exhibit L** is a true and correct copy of the document designated as Exhibit 286 on Plaintiff's Potential Exhibit List.

14. **Exhibit M** is intentionally omitted.

15. Attached hereto as **Exhibit N** is a true and correct copy of the document designated as Exhibit 291 on Plaintiff's Potential Exhibit List.

16. Attached hereto as **Exhibit O** is a true and correct copy of Exhibit 4 to Plaintiff's Rule 26(a)(3) Pretrial Disclosures, consisting of designations for the deposition transcript of James Bennet.

17. Attached hereto as **Exhibit P** is a true and correct copy of excerpts from the transcript of the deposition of James Bennet, held on May 26 and 27, 2020.

18. Attached hereto as **Exhibit Q** is a true and correct copy of excerpts from the transcript of the deposition of Ross Douthat, held on May 8, 2020.

19. Attached hereto as **Exhibit R** is a true and correct copy of the document designated as Exhibit 240 on Plaintiff's Exhibit List.

20. Attached hereto as **Exhibit S** is a true and correct copy of the document designated as Exhibit 100 on Plaintiff's Exhibit List.

21. Attached hereto as **Exhibit T** is a true and correct copy of the document designated as Exhibit 101 on Plaintiff's Exhibit List.

22. Attached hereto as **Exhibit U** is a true and correct copy of the document designated as Exhibit 39 on Plaintiff's Exhibit List.

23. Attached hereto as **Exhibit V** is a true and correct copy of the document designated as Exhibit 40 on Plaintiff's Exhibit List.

24. Attached hereto as **Exhibit W** is a true and correct copy of the document designated as Exhibit 41 on Plaintiff's Exhibit List.

25. Attached hereto as **Exhibit X** is a true and correct copy of the document designated as Exhibit 42 on Plaintiff's Exhibit List.

26. Attached hereto as **Exhibit Y** is a true and correct copy of the document designated as Exhibit 43 on Plaintiff's Exhibit List.

27. Attached hereto as **Exhibit Z** is a true and correct copy of the document designated as Exhibit 44 on Plaintiff's Exhibit List.

28. Attached hereto as **Exhibit AA** is a true and correct copy of the document designated as Exhibit 45 on Plaintiff's Exhibit List.

29. Attached hereto as **Exhibit AB** is a true and correct copy of the document designated as Exhibit 46 on Plaintiff's Exhibit List.

30. Attached hereto as **Exhibit AC** is a true and correct copy of the document designated as Exhibit 47 on Plaintiff's Exhibit List.

31. Attached hereto as **Exhibit AD** is a true and correct copy of the document designated as Exhibit 48 on Plaintiff's Exhibit List.

32. Attached hereto as **Exhibit AE** is a true and correct copy of the document designated as Exhibit 50 on Plaintiff's Exhibit List.

33. Attached hereto as **Exhibit AF** is a true and correct copy of the document designated as Exhibit 56 on Plaintiff's Exhibit List.

34. Attached hereto as **Exhibit AG** is a true and correct copy of the document designated as Exhibit 59 on Plaintiff's Exhibit List.

35. Attached hereto as **Exhibit AH** is a true and correct copy of the document designated as Exhibit 60 on Plaintiff's Exhibit List.

36. Attached hereto as **Exhibit AI** is a true and correct copy of Exhibit 2 to Plaintiff's Rule 26(a)(3) Pretrial Disclosures, consisting of designations for the deposition transcript of Andrew Sullivan.

37. Attached hereto as **Exhibit AJ** is a true and correct copy of excerpts from the transcript of the deposition of Andrew Sullivan, held on May 11, 2020.

38. Attached hereto as **Exhibit AK** is a true and correct copy of the document designated as Exhibit 26 on Plaintiff's Exhibit List.

39. Attached hereto as **Exhibit AL** is a true and correct copy of the document designated as Exhibit 27 on Plaintiff's Exhibit List.

40. Attached hereto as **Exhibit AM** is a true and correct copy of the document designated as Exhibit 28 on Plaintiff's Exhibit List.

41. Attached hereto as **Exhibit AN** is a true and correct copy of the document designated as Exhibit 58 on Plaintiff's Exhibit List.

42. Attached hereto as **Exhibit AO** is a true and correct copy of the document designated as Exhibit 57 on Plaintiff's Exhibit List.

43. Attached hereto as **Exhibit AP** is a true and correct copy of the document designated as Exhibit 20 on Plaintiff's Exhibit List.

44. Attached hereto as **Exhibit AQ** is a true and correct copy of the document designated as Exhibit 21 on Plaintiff's Exhibit List.

45. Attached hereto as **Exhibit AR** is a true and correct copy of the document designated as Exhibit 51 on Plaintiff's Exhibit List.

46. Attached hereto as **Exhibit AS** is a true and correct copy of the document designated as Exhibit 73 on Plaintiff's Exhibit List.

47. Attached hereto as **Exhibit AT** is a true and correct copy of the document designated as Exhibit 74 on Plaintiff's Exhibit List.

48. Attached hereto as **Exhibit AU** is a true and correct copy of the document designated as Exhibit 78 on Plaintiff's Exhibit List.

49. Attached hereto as **Exhibit AV** is a true and correct copy of excerpts from the transcript of the hearing held by this Court August 16, 2017, related to The Times's Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 10, 2022
New York, New York

s/ Thomas B. Sullivan
Thomas B. Sullivan